

Effective 5/12/2015

57-8a-104 Limitation on requirements for amending governing documents -- Limitation on contracts.

- (1)
 - (a)
 - (i) To amend the governing documents, the governing documents may not require:
 - (A) for an amendment adopted after the period of administrative control, the vote or approval of lot owners with more than 67% of the voting interests;
 - (B) the approval of any specific lot owner; or
 - (C) the vote or approval of lien holders holding more than 67% of the first position security interests secured by a mortgage or trust deed in the association.
 - (ii) Any provision in the governing documents that prohibits a vote or approval to amend any part of the governing documents during a particular time period is invalid.
 - (b) Subsection (1)(a) does not apply to an amendment affecting only:
 - (i) lot boundaries; or
 - (ii) lot owner's voting rights.
- (2)
 - (a) A contract for services such as garbage collection, maintenance, lawn care, or snow removal executed on behalf of the association during a period of administrative control is binding beyond the period of administrative control unless terminated by the board of directors after the period of administrative control ends.
 - (b) Subsection (2)(a) does not apply to golf course and amenity management, utilities, cable services, and other similar services that require an investment of infrastructure or capital.
- (3) Voting interests under Subsection (1) are calculated in the manner required by the governing documents.
- (4) Nothing in this section affects any other rights reserved by the person who filed the association's original governing documents or a successor in interest.
- (5) This section applies to an association regardless of when the association is created.

Amended by Chapter 34, 2015 General Session

Amended by Chapter 325, 2015 General Session

Amended by Chapter 387, 2015 General Session